HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

WRIT APPEAL No. 403 OF 2006

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Between:

Dhoni Prakash

……Appellant

And

Andhra Pradesh State Road Transport

Corporation, rep. by its Vice Chairman,

Musheerabad, Hyderabad and another

……Respondents

:: JUDGMENT ::

Counsel for the Appellant : Sri B. Vijaysen Reddy

Counsel for the Respondents : Sri V.T.M. Prasad

Dated: 20-04-2006

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 07-03-2006 passed by the learned Single Judge in Writ Petition No.2755 of 2006, whereby he refused to quash notice dated 21-12-2005 issued by Regional Manager, Andhra Pradesh State Road Transport Corporation, Nizamabad (respondent No.2) requiring the appellant to vacate the premises in which he is running a licensed stall of soft drinks etc.

Learned counsel for the appellant says that his client does not want to press the prayer for being allowed to continue to do business at the present site and will feel satisfied if the Court directs the competent authority of the Corporation to consider his request for allotment of alternative site and also allow him to continue at the present site till 31-05-2006.

Learned counsel for the respondents says that he is not aware whether the appellant is still running the stall of soft drinks at the allotted site. He further says that the Corporation will consider the application, if any, made by the appellant for allotment of alternative site and decide the same along with the applications made

by other licensees.

In view of the statements made by the counsel for the parties, the appeal is disposed of in the following terms:

1. Within three days from today, the appellant shall furnish a written undertaking to Regional Manager, Andhra Pradesh State Road Transport Corporation, Nizamabad to handover vacant possession of the site on or before 31-05-2006.

2. If the appellant furnishes undertaking in terms of (1) above, then he shall be allowed to do business at the present site till 31-05-2006. Of course, this would be subject to the condition that his stall has not already been removed.

3. Within three days, the appellant may also make a representation to the Regional Manager for allotment of alternative site. Such representation shall be considered by the concerned authority along with other representations, if any, made by other licensees and decided within a period of ten days from the date of submission.

4. If the representation of the appellant is accepted, then he should be allotted alternative site in accordance with the rules and policy. If the representation made by the appellant is rejected, he shall have no right to continue to occupy the present site. He shall also not be entitled to institute another petition before this Court on the same or any related cause or file a suit in any civil Court for grant of injunction.

5. If the appellant fails to handover vacant possession of the site where he is presently doing business, then the competent authority of the Corporation shall be entitled to take all necessary

measures including the use of police force for securing vacant possession of the site.

G.S.SINGHVI, CJ

G.BHAVANI PRASAD,J

20-04-2006

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